

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TYREEK L. MATHIS	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	NO. 09-44
MICHAEL J. ASTRUE,	:	
Commissioner Social Security	:	
Administration	:	
Defendant.	:	

ORDER

AND NOW, this 26th day of January, 2010, after careful review and independent consideration of Plaintiff's Request for Review and Reversal of Defendant's Final Administrative Decision (Document No. 11, filed June 11, 2009), Defendant's Response to Request for Review of Plaintiff (Document No. 13, filed July 14, 2009), Plaintiff's Reply to Defendant's Response Opposing Plaintiff's Request for Judicial Review (Document No. 16, filed August 12, 2009), and the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated December 22, 2009 (Document No. 19), there being no objection, and good cause appearing, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated December 22, 2009, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review is **GRANTED IN PART** and **DENIED IN PART**;
3. The case is **REMANDED** to the Commissioner of the Social Security Administration for the conduct of additional proceedings by the Administrative Law Judge ("ALJ") consistent with the Report and Recommendation. Upon remand, the ALJ shall: (a) re-evaluate the work-related functional limitations caused by plaintiff's severe mental impairment; in particular, the ALJ shall consider all of the germane findings made by Richard N. Landis, Ph.D., and the testimony of plaintiff's mother; (b) re-evaluate plaintiff's credibility concerning his symptoms

taking into account the corroboration provided by his mother; (c) re-evaluate plaintiff's residual functional capacity ("RFC") in light of re-evaluating plaintiff's severe mental impairment and his credibility; (d) pose hypothetical questions to a vocational expert which incorporate plaintiff's new RFC; and, (e) determine whether plaintiff meets or medically equals Listed Impairment 11.03; and,

4. In all other respects, Plaintiff's Request for Review is **DENIED**.

BY THE COURT:

/s/ Jan E. DuBois
JAN E. DUBOIS, J.